

REMARKS

Reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1 and 7-14 are currently pending in the application and subject to examination. No amendment has been made.

The Examiners Nguyen and Denion are thanked for their courtesies extended to Applicants' representatives in a personal interview conducted February 28, 2008. The Interview Summary is incorporated in this Response as described below.

In the Office Action mailed December 13, 2007, the Examiner rejected Claims 1 and 7-14 under 35 U.S.C. 251 as being an improper recapture of broadened claims subject matter. The Examiner also again rejected Claims 1 and 7-14 for obviousness rejection under 35 U.S.C. 103(a) with identical rejection reasons that were withdrawn in the Notice of the Decision Panel for Pre-Appeal Brief Review.

Applicants respectfully traverse the recapture rejection. The present application is indeed a continuation application of a prior pending Patent Application No. 09/945,835, filed on September 5, 2001, which is a reissue application of Patent No. 5,946,904 (the '904 patent) and was filed within two years of the issue date, i.e., September 7, 1999, of the '904 patent. The Examiner indicates such continuation application is not shown in the PTO database. Therefore, the recapture rejection under 35 U.S.C. 251 is a result from an error showing in the PTO database.

Exhibit A, as attached with this Response, is copy of a transmittal sheet of the present invention that was filed on March 16, 2004. As clearly shown in paragraph 5 of

the transmittal sheet, Applicants amended the specification to insert the following paragraph:

This is a continuation of Application No. 09/945,835 filed on September 5, 2001 which is a Reissue Application of Patent No. 5,946,906 issued on September 7, 1999 (whose application number is 08/975,101 filed on November 20, 1997.) The disclosure of the prior application is hereby incorporated by reference herein in its entirety.

Furthermore, according to MPEP 1411.03, if intent to broaden is indicated in a parent reissue application within the two years, a broadened claim can be presented in a continuing (continuation or divisional) reissue application after the two year period. Therefore, Applicants respectfully submit that the broaden claims of the present application are proper and are not recaptured.

In view of the above remarks, it is submitted that this application has a priority date of September 5, 2001, which is within two years from the issue date, i.e., September 7, 1999, of the patent No. 5,946,906.

Therefore, the withdrawal of the recapture rejection is respectfully requested.

As to the 35 U.S.C. 103(a) rejection of the currently pending claims, this rejection has been withdrawn as indicated in the Interview Summary.

CONCLUSION

For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, with reference to Attorney Docket No. 107101-00050.

Respectfully submitted,
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CMM/CYM

Enclosures: Exhibit A

Exhibit A

**CONTINUING APPLICATION TRANSMITTAL UNDER RULE 1.53(b)
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

MAIL STOP: PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: **107101-00050**

Date: **March 16, 2004**

Sir:

Transmitted herewith for filing under 37 C.F.R. §1.53(b) is a

: Continuation

of application of prior pending Application No. 09/945,835 filed on September 5, 2001; which is a Reissue Application of Patent No. 5,946,906 issued on September 7, 1999 (whose application number is 08/975,101 filed on November 20, 1997). The disclosure of the prior application is hereby incorporated by reference herein in its entirety.

For: **EXHAUST GAS PURIFICATION SYSTEM OF INTERNAL COMBUSTION ENGINE**

By (Inventors): **Shusuke AKAZAKI (Saitama, Japan); Kohei HANADA (Saitama, Japan);
Yuji YASUI (Saitama, Japan); Tadashi SATOH (Saitama, Japan);
Takashi HAGA (Saitama, Japan)**

1. : A Declaration and Power of Attorney is attached. The attached Declaration and Power of Attorney is:
 - a. A copy of the Declaration and Power of Attorney and Supplemental Reissue Declaration from the parent application. (Used with the same or fewer inventors and (a) a copy of the prior application or (b) a revised, reformatted or edited version of the prior application that does not contain new matter.)
 - 9 b. A new Declaration and Power of Attorney. (Used with the same, fewer or additional inventors and (a) a copy of the prior application, (b) a revised, reformatted or edited version of the prior application that does not contain new matter, or (c) a new specification.)
2. : The filing fee based on entry of the concurrently filed Preliminary Amendment is calculated below:

**CLAIMS IN THE APPLICATION AFTER ENTRY OF ANY PRELIMINARY AMENDMENT
NOTED BELOW**

FEE TRANSMITTAL

The filing fee is calculated below	Number Filed	Number Extra	Rate	Basic Fee \$770.00
Total Claims	9 - 20	0	x \$18.00	
Independent Claims	1 - 3	0	x \$86.00	
Multiple Dependent Claims			\$290.00	
Basic Filing Fee				770.00

The filing fee is calculated below	Number Filed	Number Extra	Rate	Basic Fee \$770.00
Reduction by 1/2 for small entity				
Fee for recording enclosed Assignment			\$40.00	
TOTAL				770.00

3. : Check in the amount of **\$ 770.00** to cover the filing fee is attached. The Commissioner is hereby authorized to charge any other fees that may be required to complete this filing, or to credit any overpayment, to Deposit Account No. 01-2300.
4. : Cancel claims **2-6, and 15-24** of the application before calculating the filing fee. At least one independent claim is retained for filing purposes.
5. : Amend the specification by inserting before the first line the sentence:
--This is a Continuation of Application No. **09/945,835** filed on **September 5, 2001** which is a Reissue Application of Patent No. **5,946,906** issued on **September 7, 1999** (whose application number is **08/975,101** filed on **November 20, 1997**). The disclosure of the prior application is hereby incorporated by reference herein in its entirety.--
6. : **17** Sheets of Formal drawings (Figs. **1-20**) are attached.
7. : Priority of foreign application No. **8-324809** filed **November 20, 1996** in **JAPAN** is claimed under 35 U.S.C. §119 and/or §365(b).
8. : The certified copies were filed in prior Application No. **09/945,835** filed on **September 5, 2001**.
9. : A certified copy of the above foreign application(s) is attached.
10. : Priority of U.S. Provisional Application(s) No. _____ filed _____ is claimed under 35 U.S.C. §119(e).
11. : Amend the specification by inserting before the first line the sentence:
This nonprovisional application claims the benefit of U.S. Provisional Application(s) No. filed _____.
12. : The prior application is assigned of record to **HONDA GIKEN KOGYO KABUSHIKI KAISHA** Recorded at Reel **8826**, Frame **0487** on **November 20, 1997**.
13. : This application is filed by fewer than all the inventors named in the prior application (37 C.F.R §1.53(b)(1)). Delete the following inventor(s) named in the prior application: _____
14. : A Preliminary Amendment is attached.
15. : An Information Disclosure Statement is attached along with Form PTO-1449.
16. : Other: **Supplemental Declaration for Reissue Application**.
17. : The Power of Attorney in the application is to:

Barton, Rhonda L., Reg. No. 47,271
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18. : Address all future communications to:

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